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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,364	07/27/2001	Gary Curtis Gehrke	403	7594

23416 7590 11/20/2002

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EXAMINER

WEBB, BRIAN SCOTT

ART UNIT PAPER NUMBER

2839

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,364

Applicant(s)

GARY GEHRKE

Examiner

Brian S. Webb

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both a curved portion and a guide member (figure 2). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stockman et al (US 5,774,617).

Stockman et al discloses, in figures 1-7 (see Attachment 1), an insert removably provided within a fiber optic cable management tool comprising:

- a fiber optic cable management tool
- at least one arcuate portion on said fiber optic cable management tool
- a first curved member on said insert having a first curved portion and a second curved portion

- a second curved member on said insert having a first curved portion and a second curved portion
- a third curved member on said insert having a first curved portion and a second curved portion
- said first, second, and third curved members being formed integrally
- a channel formed between the second curved portion of the first curved member and the first curved portion of the third curved member
- a channel formed between the second curved portion of the second curved member and the second curved portion of the third curved member
- a channel formed between the curved member and the at least one arcuate portion
- all said curved portions and said channels having a radius that exceeds the minimum bend radius of a fiber optic cable having a diameter less than or equal to 1.7 millimeters (column 1, line 64 – column 2, line 32)
- said channel having a smaller width than a channel provided in the fiber optic cable management tool
- at least one curved member (the third) having first, second, and third curved portions
- a portion on the fiber optic management tool that permits manual grasping (see Attachment 1)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falkenberg et al (US 6,388,891) and Smith (US 6,263,141) disclose a fiber optic cable management tool and inserts that anticipate some of the claims of the instant application. Daoud (US 6,289,160) and Zarnowitz (US 6,438,311) both disclose fiber optic management tools with removable inserts.

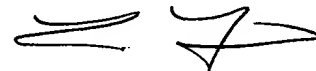
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian S. Webb whose telephone number is (703) 308-6080. The examiner can normally be reached on 7: 30-6, Mon - Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Field can be reached on (703) 308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



BSW
November 15, 2002



LYNN FIELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Attachment 1

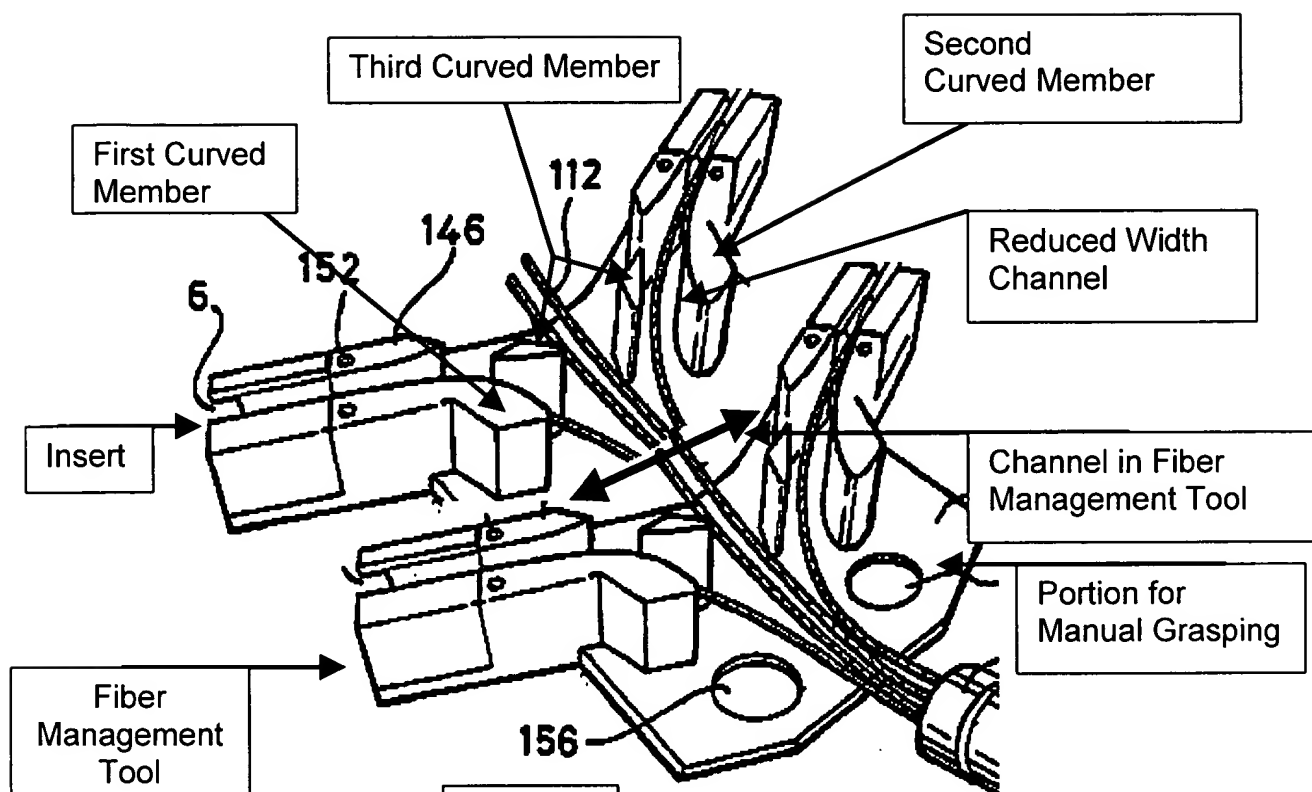


Fig. 7

- copied and superimposed to show a cutaway view of the assembly in Fig. 6

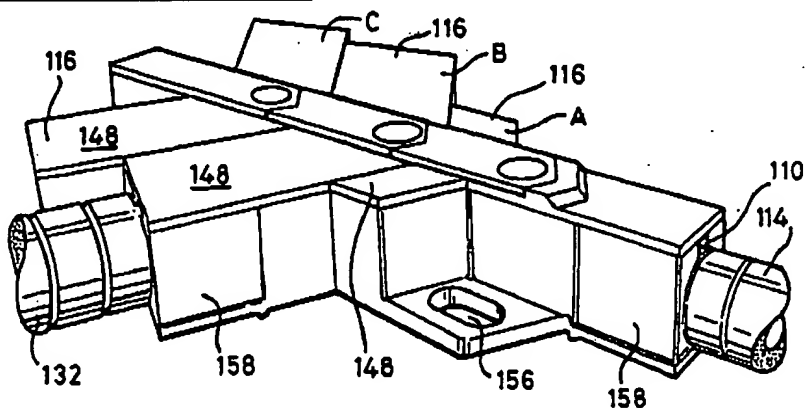


Fig. 6